

## REMARKS

Reconsideration of the claims is requested.

Claims 1-9 are pending.

Claims 1, 3, 5-9 and 11 are rejected under 35 USC 102(e) as anticipated by or, in the alternative, under 35 USC 103(a) as obvious over Malcolm US Patent Application Pub. No.: US 2004/0078334.

Claim 2 is rejected under 35 USC 103(a) as being unpatentable over Malcolm and Litsuka (US Patent No. 6,463,151).

Claim 4 is rejected under 35 USC 103(a) as being unpatentable over Malcolm and Albrecht (US Patent No. 6,510,521).

The independent claims are 1, 5, 6, 8, 9 and 11.

The Office Action Response to Arguments and page 5 assert that Malcolm paragraph 278 and step S356 in Fig. 20 discuss a monitoring of an encryption process performed as recited in claim 1. However, the cited sections of Malcolm relied upon by the Office Action, namely Malcolm paragraph 278, fail to disclose such monitoring of a performed encryption process, because Malcolm paragraph 278 discusses that if it is determined a message should be encrypted, however once encrypted, in Malcolm there is no monitoring of whether the actual performed encryption was according to a rule for the determined message. In addition, Malcolm paragraphs 0253-0256 discuss a method for determining whether encryption is appropriate for a determined message, which determination is made by comparing the specified encryption strength with the encryption strength of the message. However, Malcolm is silent on monitoring that if an encryption is performed, whether the actual performed encryption is according to a rule for the determined message.

In other words, the method discussed by Malcolm differs from an embodiment of the present invention, because Malcolm does not discuss any monitoring by “***confirming whether the information management system encrypted the information in accordance with the encryption rule of the specified secret level classification of the information, based upon the process information received over the network from the information management system.***”

The rejection of claim 1 should be withdrawn.

Independent claims 5, 6, 8, 9 and 11 emphasize features similar to the discussed features of claim 1.

The remaining dependent claims inherit the patentable recitations of their respective base claims, and therefore, patentably distinguish over the cited art for the reasons discussed above in addition to the additional features recited therein.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,  
STAAS & HALSEY LLP

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